

Inventor(s): Rimentel et al.

Appl. No.: 09

226,597

Series Code ↑

Serial No. ↑

Filed: January 7, 1999

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

**REPLY/AMENDMENT/LETTER**

Group Art Unit 1641

Examiner: Gailene Gabel

Atty. Dkt. P 0290434

M#

Appl. Title: Weight Control Using an Antipase  
Antibody

Client Ref

AUG 23 2002



Date: August 21, 2002

TECH  
1641  
AUG 23 2002  
RECEIVED

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

## 1. Small Entity claim

- A. ☐ NOT made  
B. ☐ Withdrawn  
C. ☐ made herewith  
D. ☒ made previously

For B & C  
See **Required  
Separate Paper**  
(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	**minus 0	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	***minus 0	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....			add	+ \$280/\$140 =	+ \$0 104/204
5. Original due Date: May 21, 2002		<input type="checkbox"/> NONE			
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 = (2 mos) \$400/\$200 = (3 mos) \$920/\$460 = (4 mos) \$1,440/\$720 = (5 mos) \$1,960/\$980 =	+ \$460		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract			- \$0		
8. Extension Fee			+ \$460		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....			+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), .....			add + \$180	+ \$0	126
or if Rule 97(d) Request .....			add + \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r) .....			+ \$740/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b) .....			x \$740/370 ea	+ \$0	149/249
13. Request for Continued Examination (RCE) .....			+ \$740/370	+ \$0	1179/1279
14. Petition fee for .....				+ \$0	
15. TOTAL FEE =				\$460	
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".					
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.					
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.					
				PLEASE CHARGE DEPOSIT ACCOUNT	

CHARGE Deposit Account No. 03-3975

Our Order No. 014229 0290434

C#

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**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Robert W. Muhl

Sig:

Reg. No. 33,893

Fax: (703) 905-2500

Tel: (703) 905-2251

P.O. Box 10500  
McLean, VA 22102  
Tel: (703) 905-2000

Atty/Sec: RWH/kmh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Pimentel, *et al.*

Appl. No.: 09/226,597

Filed: January 7, 1999

For: **Weight Control Using an  
Anti-Lipase Antibody**

Art Unit: 1641

Examiner: GABEL, Gailene

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**Response under 35 USC § 115**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action dated February 21, 2002, applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks.

**REMARKS**

Claims 1-9 remain active in the application.

The present invention relates to a method for inhibiting the amount of body weight gained normally after an animal eats, by feeding it an effective amount of an encapsulated immunoglobulin that binds to lipase.

Claims 1-9 are rejected under 35 USC §112, second paragraph, as being indefinite. The Examiner asserts that the claims are incomplete because they do not set forth any limitation encompassing what performs the function of inhibiting body weight gain or how inhibiting body weight gain is effected. However, the claims do contain such a limitation; it is "feeding to an animal an effective amount of a liposome-encapsulated immunoglobulin against lipase." This is the physical step that a person must do to effect the claimed result. It not necessary to recite a mechanism of action in the claim. Accordingly, withdrawal of this rejection is respectfully requested.

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